

TIPPECANOE COUNTY SURVEYOR
TIPPECANOE COUNTY OFFICE BUILDING
20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901
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December 11, 2007

Re: Minor Subdivisions

Dear Applicant,

The Surveyor's Office has established a checklist and a review guidelines document for Minor Subdivisions. The checklist and review guidelines are to provide general guidance for minor subdivision application submittals to the Tippecanoe County Surveyor's Office.

It is the responsibility of the Surveyor's Office as the reviewing agency to make sure all projects that disturb an acre or more of land meet the minimum requirements for 327 IAC 15-5 (Rule 5) and Tippecanoe County's Comprehensive Storm Water Ordinance 2005-04-CM. The Surveyor is required to send a letter to Indiana Department of Environmental Management stating that the project meets the minimum requirements and file the application and construction plans for IDEM staff members who may want to review the projects at a later date.

These guidelines meet the minimum requirements for 327 IAC 15-5-6.5 subsection b. (single family residential development consisting of 4 or fewer lots...)

For further information on Rule 5:

<http://www.state.in.us/idem/permits/water/wastewater/wetwthr/storm/rule5.html>

Comprehensive Stormwater Ordinance of Tippecanoe County 2005-04-CM:

http://www.tippecanoe.in.gov/egov/docs/1146846292_476654.pdf

An Application Fee of 100.00 dollars will be charged for all projects that will disturb an acre of land. (see calculating land disturbance chapter 4-sec.3c in the stormwater ordinance).

Sincerely,



William H. Dials
Stormwater Coordinator

Tippecanoe County
Application for Minor Subdivision Stormwater Permit
 (To be Completed by Applicant)

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| Project Name: | |
| General Location: | |
| File Number: | Date Completed: |
| 1. Application Fee: \$100.00 | |
| Check Attached made out to Tippecanoe County Treasurer | |
| 2. Notice of Intent | |
| Completed Notice of Intent--State Form#47487 | |
| 3. Construction Plans | |
| Project Narrative and supporting documents, including the following information | |
| | Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map, or county or municipal road map. |
| | Description of the nature and purpose of the project. |
| | Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township. |
| | An index indicating the location, in the construction plans, of all information required by this subsection. |
| | 14-Digit Watershed Hydrologic Unit Code. |
| | Identification of any other state or federal water quality permits that are required for construction activities associated with the owner's project site. |
| | Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or as determined by a soil scientist. Hydrologic classification for soils should be shown when hydrologic methods requiring soils information are used. A soil legend must be included with the soil map. |
| | Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions. |
| | Location, name, and normal water level of all wetlands, lakes, ponds, and water courses on, or adjacent to, the project site. |
| | Location of all existing structures on the project site. |
| | Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas. |
| | Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site. |
| | Location of all soil stockpiles and borrow areas on-site and off-site. |
| | One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists. |
| | Identification and delineation of vegetative cover such as grass, weeds, brush, and trees on the project site. |
| | Land use of all adjacent properties. |
| | Identification and delineation of sensitive and impacted areas. See Chapter 6 Section 8 of the Ordinance. |
| | Existing and proposed topography at a contour interval appropriate to indicate drainage patterns. |
| | The location of regulated drains, farm drains, inlets and outfalls, if any of record. |
| | An estimate of the peak discharge, based on the ten (10) year storm event, of the project site for both pre-construction and post-construction conditions. |
| Location, size, and dimensions of all existing streams to be maintained, and new drainage systems such as culverts, bridges, storm sewers, and conveyance channels. | |
| Locations where stormwater may be directly discharged into groundwater, such as abandoned wells or sinkholes. Please note if none exists. | |
| Locations of specific points where stormwater discharge will leave the project site. | |
| Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water. | |
| List all significant drainage problems associated with the project. Please note if none exist. | |

4. Stormwater Pollution Prevention Plan for Construction Sites

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| | Location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures. |
| | Temporary and permanent stabilization plans and sequence of implementation. |
| | Temporary and permanent stabilization plans shall include the following: |
| | Specifications and application rates for soil amendments and seed mixtures. |
| | The type and application rate for anchored mulch. |
| | Self-monitoring program including plan and procedures. |
| | General construction sequence of how the project site will be built, including phases of construction. |
| | A description of potential pollutant sources associated with the construction activities, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges. |
| | Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6.1. |
| | A typical erosion and sediment control plan for individual lot development. |

5. Detention May Not Be Required

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| | After combining flows from both the off-site and on-site drainage areas, there will be no increase in the total peak discharge from the developed site during the 2-, 10-, or 100-year storm events, and |
| | The volume of runoff for each project site outlet has not been increased for the entire range of storm events, up to the 100-year storm event, and |
| | The flow width has not been reduced and the velocity has not been increased at the property boundary line for each subbasin, over that which existed prior to the development (for the entire range of storm events, up to the 100-year storm event). |
| | If a stormwater detention exemption is requested, the applicant must provide sufficient calculations to verify that the exemption criteria have been met. |
| | If the Project needs to have onsite detention see Chapter 3 of the Technical Standards of the Ordinance. |

6. Downstream Restrictions

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| | With the request for the stormwater detention exemption, the applicant should provide information regarding the downstream receiving conveyance system. In the event the downstream receiving conveyance system is inadequate to accommodate the post-developed release rate, then stormwater detention may be required to provide a rate permitted by the capacity of the receiving downstream conveyance system. Chapter 3, Section 2.A.ii of the Ordinance includes requirements for downstream restrictions. |
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MINOR SUBDIVISION Current Review Guidelines

An application for permit approval to the Tippecanoe County Surveyor's Office (TCSO) typically consists of three parts:

- stormwater quantity,
- stormwater quality during active construction, and
- post-construction stormwater quality.

This document provides general guidance for minor subdivision permit application submittal requirements. Each minor subdivision permit application submittal will be reviewed on an individual basis.

STORMWATER QUANTITY SUBMITTAL

An applicant preparing to submit a minor subdivision for approval should review the following information relative to the stormwater quantity aspects of the submittal.

General Detention Requirements

Per Chapter 3 of the Comprehensive Stormwater Management Ordinance of Tippecanoe County (Ordinance), the storage and controlled release of excess stormwater runoff is required for all new residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within Tippecanoe County. However, the Tippecanoe County Drainage Board, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelizations as defined in the Tippecanoe County Unified Subdivision Ordinance.

Detention Not Required

According to Tippecanoe County Drainage Board policy, if a minor subdivision is located adjacent to a stream with more than 100 square miles of contributing drainage area at the subdivision's outlet into the stream, no stormwater detention is required. Therefore, according to Chapter 3, Section 2.A.iv of the Ordinance, direct release may be allowed for minor subdivisions adjacent to the following stream reaches in Tippecanoe County:

- Wabash River – the entire reach within the County
- Tippecanoe River – the entire reach within the County
- Wildcat Creek – the entire reach within the County
- South Fork Wildcat Creek – the entire reach within the County
- Middle Fork Wildcat Creek – the entire reach within the County
- Wea Creek – downstream of Dismal Ditch (a.k.a. Kenny Ditch)

Detention May Not Be Required

As noted above, the Tippecanoe County Drainage Board, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions. Chapter 3, Section 2.A.iii includes a stormwater detention exemption if the following criteria are met:

- After combining flows from both the off-site and on-site drainage areas, there will be no increase in the total peak discharge from the developed site during the 2-, 10-, or 100-year storm events, and
- The volume of runoff for each project site outlet has not been increased for the entire range of storm events, up to the 100-year storm event, and
- The flow width has not been reduced and the velocity has not been increased at the property boundary line for each subbasin, over that which existed prior to the development (for the entire range of storm events, up to the 100-year storm event).

If a stormwater detention exemption is requested, the applicant must provide sufficient calculations to verify that the exemption criteria have been met.

Downstream Restrictions

With the request for the stormwater detention exemption, the applicant should provide information regarding the downstream receiving conveyance system. In the event the downstream receiving conveyance system is inadequate to accommodate the post-developed release rate, then stormwater detention may be required to provide a rate permitted by the capacity of the receiving downstream conveyance system. Chapter 3, Section 2.A.ii of the Ordinance includes requirements for downstream restrictions.

Other Considerations

According to Chapter 6, Section 8 of the Ordinance, other considerations during review of the project will include the items listed below. Also, sensitive areas may require more stringent stormwater quantity and quality measures than detailed in the Ordinance.

Sensitive Areas

- highly erodible land
- wetlands
- threatened or endangered species habitat
- outstanding waters
- impaired waters
- recreational waters
- surface drinking water sources in Tippecanoe County

A listing of highly erodible land, outstanding waters, impaired waters, and recreational waters, can be found in the glossary in Appendix A of the Ordinance. There are no surface drinking water sources in Tippecanoe County. The presence of threatened or endangered species habitat will be determined by the TCSO during the permit review process.

Impact Drainage Areas

- floodway or floodplain as designated by the most updated Tippecanoe County Code dealing with floodplain regulation
- land within 75 feet of each bank of any ditch within the Tippecanoe County Drainage Board's system of Regulated Drains
- land within 75 feet of the centerline of any drain tile or enclosed conduit within the Tippecanoe County Drainage Board's system of Regulated Drains
- land that has been designated an Impact Drainage Area by the Tippecanoe County Drainage Board, due to an inadequate outlet.

Submittal Requirements

When submitting a minor subdivision for approval to the TCSO, the applicant should provide, at a minimum, the following items that relate to stormwater quantity:

- Construction plans that depict the existing and proposed conditions, including drainage patterns, site outlet points, building pad elevations, floodplain and floodway information, regulated drain ditches, tiles and easements, and wetland locations, if necessary
- A drainage report that includes a narrative, location maps, soils maps, drainage basin maps, and calculations to support the stormwater detention exemption request and design of the stormwater conveyance system
- A general site plan exhibit with the proposed construction area superimposed on a county GIS ortho-aerial map at a scale of 1"=100'. The exhibit should provide 2-foot contour information and include all roads and buildings within a minimum 500' radius beyond the project boundaries

STORMWATER QUALITY DURING ACTIVE CONSTRUCTION SUBMITTAL

An applicant preparing to submit a minor subdivision for approval should review the following information relative to stormwater quality during active construction.

General Requirements

Per Chapter 4 of the Ordinance, any project located within Tippecanoe County that includes clearing, grading, excavation, and other land disturbing activities resulting in the disturbance of 1 acre or more of total land area, requires the submittal of a Stormwater Pollution Prevention Plan (SWPPP) which includes erosion and sediment control measures and materials handling procedures. This requirement applies to disturbances of less than 1 acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 1 or more acres of land.

Calculation of Land Disturbance

In calculating the total area of land disturbance, the following guidelines should be used:

- Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbing project site, must be considered as part of the total land disturbance for the project site, when the activity is under the control of the project site owner
- For multi-lot residential project sites, the area of land disturbance should be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 1. for a single-family residential project site where the lots are 0.5 acre or more, 0.5 acre of land disturbance must be used as the expected lot disturbance
 2. for a single-family residential project site where the lots are less than 0.5 acre in size, the total lot must be calculated as being disturbed

Submittal Requirements

When submitting a minor subdivision for approval to the TCSO, the applicant should provide a SWPPP in accordance with Chapter 6, Section 3.B of the Ordinance.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for active construction sites should meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual or the Tippecanoe County Stormwater Technical Standards Manual (Standards).

POST-CONSTRUCTION STORMWATER QUALITY SUBMITTAL

An applicant preparing to submit a minor subdivision for approval should review the following information relative to post-construction stormwater quality.

General Requirements

In addition to the stormwater quality requirements during active construction, the SWPPP must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously filter stormwater runoff from the stabilized site. Per Chapter 5 of the Ordinance, any project located within Tippecanoe County that includes clearing, grading, excavation, and other land disturbing activities resulting in the disturbance of 1 acre or more of total land area, requires post-construction stormwater quality measures. This requirement applies to disturbances of less than 1 acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 1 or more acres of land.

Post-construction stormwater quality measures are not required for the following:

- single family residential developments consisting of four or less lots, or
- a single family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development or sale

However, as noted above, each minor subdivision permit application submittal will be reviewed on an individual basis. If the proposed minor subdivision is located within an Impact Drainage Area, or if the project site includes or impacts a Sensitive Area, post-construction stormwater quality measures may be required.

Submittal Requirements

When submitting a minor subdivision for approval to the TCSO, the applicant should include post-construction measures in the SWPPP in accordance with Chapter 6, Section 3.B of the Ordinance.

The calculation methods as well as the type, sizing, and placement of all post-construction stormwater quality measures should meet the design criteria, standards, and specifications outlined in the Standards.

vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and storm water retention and detention ponds.

(D) A sequence describing when each postconstruction storm water quality measure will be installed.

(E) Storm water quality measures that will remove or minimize pollutants from storm water run-off.

(F) Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.

(G) A narrative description of the maintenance guidelines for all postconstruction storm water quality measures to facilitate their proper long term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the postconstruction storm water quality measures.

(b) For a single-family residential development consisting of four (4) or fewer lots or a single-family residential strip development where the developer offers for sale or lease without land improvements, and the project is not part of a larger common plan of development or sale, the project site owner shall develop a set of construction plans containing storm water quality measures that achieve the minimum project site requirements specified in section 7 of this rule. The construction plan must include the following:

(1) Project narrative and supporting documents, including the following information:

(A) An index indicating the location, in the construction plans, of all required items in this subsection.

(B) Description of the nature and purpose of the project.

(C) Legal description of the project site. The description should be to the nearest quarter section, township, and range, and include the civil township.

(D) Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.

(E) Hydrologic Unit Code (14 Digit) available from the United States Geological Survey (USGS).

(F) Identification of any other state or federal permits that are required for construction activities associated with the project site owner's project site.

(2) Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map or county or municipal road map.

(3) A project site layout that must include the following information:

(A) Location and name of all wetlands, lakes, and water courses on or adjacent to the project site.

(B) Location of all existing structures on the project site (if applicable).

(C) One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.

(D) Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or an equivalent publication, or as determined by a soil scientist. A soil legend must be included with the soil map.

(E) Identification and delineation of vegetative cover, such as grass, weeds, brush, and trees, on the project site.

(F) Land use of all adjacent properties.

(G) Existing and proposed topography at a contour interval appropriate to indicate drainage patterns.

(H) Location of all proposed site improvements, including roads, utilities, lot delineation and identification, and proposed structures.

(4) A storm water pollution prevention plan associated with construction activities. The plan must be designed to, at least, meet the requirements of sections 7 and 7.5 of this rule and must include the following:

(A) Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.

(B) Location of all soil stockpiles and borrow areas.

(C) Location, size, and dimensions of all storm water drainage systems, such as culverts, storm sewers, and conveyance channels.

(D) Locations where storm water may be directly discharged into ground water, such as abandoned wells or sinkholes. Please note if none exist.

(E) Locations of specific points where storm water discharge will leave the project site.

(F) Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.

(G) Location, dimensions, detailed specifications, and construction details of all temporary and permanent storm water quality measures.

(H) Temporary stabilization plans and sequence of implementation of storm water quality measures.

(I) Temporary and permanent stabilization plans shall include the following:

(i) Specifications and application rates for soil amendments and seed mixtures.

(ii) The type and application rate for anchored mulch.

(J) Self-monitoring program plan and procedures.

(c) The SWCD or the DNR-DSC representative or other designated entity may upon finding reasonable cause require modification to the construction plan if it is determined that changes are necessary due to site conditions or project design changes. Revised plans, if requested, must be submitted to the appropriate entity within twenty-one (21) calendar days of a request for a modification. (*Water Pollution Control Board; 327 IAC 15-5-6.5; filed Oct 27, 2003, 10:15 a.m.: 27 IR 838; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2284*)

327 IAC 15-5-7 General requirements for storm water quality control

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7. (a) All storm water quality measures and erosion and sediment controls necessary to comply with this rule must be implemented in accordance with the construction plan and sufficient to satisfy subsection (b).

(b) A project site owner shall, at least, meet the following requirements:

(1) Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation.

(2) Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations.

(3) A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.

(4) Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

(5) Storm water run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law.

(6) The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information:

(A) Copy of the completed NOI letter and the NPDES permit number, where applicable.

(B) Name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person.

(C) Location of the construction plan if the project site does not have an on-site location to store the plan.

(7) This permit and posting of the notice under subdivision (6) does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.

(8) The storm water pollution prevention plan shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water quality measures for a project site. The project site owner is responsible for implementing, in accordance with this rule, all measures necessary to adequately prevent polluted storm water run-off.

(9) The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this rule and the conditions and standards of the storm water pollution prevention plan and the schedule for proposed implementation.

(10) Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.

(11) Appropriate measures shall be planned and installed as part of an erosion and sediment control system.

- (12) All storm water quality measures must be designed and installed under the guidance of a trained individual.
- (13) Collected run-off leaving a project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.
- (14) Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.
- (15) Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water run-off.
- (16) Unvegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent (70%) shall be restabilized using appropriate methods to minimize the erosion potential.
- (17) During the period of construction activities, all storm water quality measures necessary to meet the requirements of this rule shall be maintained in working order.
- (18) A self-monitoring program that includes the following must be implemented:
 - (A) A trained individual shall perform a written evaluation of the project site:
 - (i) by the end of the next business day following each measurable storm event; and
 - (ii) at a minimum of one (1) time per week.
 - (B) The evaluation must:
 - (i) address the maintenance of existing storm water quality measures to ensure they are functioning properly; and
 - (ii) identify additional measures necessary to remain in compliance with all applicable statutes and rules.
 - (C) Written evaluation reports must include:
 - (i) the name of the individual performing the evaluation;
 - (ii) the date of the evaluation;
 - (iii) problems identified at the project site; and
 - (iv) details of corrective actions recommended and completed.
 - (D) All evaluation reports for the project site must be made available to the inspecting authority within forty-eight (48) hours of a request.
- (19) Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.
- (20) Final stabilization of a project site is achieved when:
 - (A) all land disturbing activities have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and
 - (B) construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use or disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements in clause (A).

(Water Pollution Control Board; 327 IAC 15-5-7; filed Aug 31, 1992, 5:00 p.m.: 16 IR 24; readopted filed Jan 10, 2001, 3:23 p.m.: 24 IR 1518; filed Oct 27, 2003, 10:15 a.m.: 27 IR 840; errata filed Feb 4, 2004, 1:45 p.m.: 27 IR 2284)

327 IAC 15-5-7.5 General requirements for individual building lots within a permitted project

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

Sec. 7.5. (a) All storm water quality measures, including erosion and sediment control, necessary to comply with this rule must be implemented in accordance with the plan and sufficient to satisfy subsection (b).

(b) Provisions for erosion and sediment control on individual building lots regulated under the original permit of a project site owner must include the following requirements:

- (1) The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on individual lots.
- (2) Installation and maintenance of a stable construction site access.
- (3) Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.

(4) Sediment discharge and tracking from each lot must be minimized throughout the land disturbing activities on the lot until permanent stabilization has been achieved.

(5) Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.

(6) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

(7) For individual residential lots, final stabilization meeting the criteria in section 7(b)(20) of this rule will be achieved when the individual lot operator:

(A) completes final stabilization; or

(B) has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization.

(Water Pollution Control Board; 327 IAC 15-5-7.5; filed Oct 27, 2003, 10:15 a.m.: 27 IR 843)

327 IAC 15-5-8 Project termination

Authority: IC 13-14-8; IC 13-15-1-2; IC 13-15-2; IC 13-18-3; IC 13-18-4

Affected: IC 13-12-3-1; IC 13-18-1

Sec. 8. (a) The project site owner shall plan an orderly and timely termination of the construction activities, including the implementation of storm water quality measures that are to remain on the project site.

(b) The project site owner shall submit a notice of termination (NOT) letter to the commissioner and a copy to the appropriate SWCD or other designated entity in accordance with the following:

(1) Except as provided in subdivision (2), the project site owner shall submit an NOT letter when the following conditions have been met:

(A) All land disturbing activities, including construction on all building lots, have been completed and the entire site has been stabilized.

(B) All temporary erosion and sediment control measures have been removed.

The NOT letter must contain a verified statement that each of the conditions in this subdivision has been met.

(2) The project site owner may submit an NOT letter to obtain early release from compliance with this rule if the following conditions are met:

(A) The remaining, undeveloped acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.

(B) A map of the project site, clearly identifying all remaining undeveloped lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all undeveloped lots.

(C) All public and common improvements, including infrastructure, have been completed and permanently stabilized and have been transferred to the appropriate local entity.

(D) The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.

(E) All permanent storm water quality measures have been implemented and are operational.

(c) Following acceptance of the NOT letter and written approval from the department for early release under subsection (b), the project site owner shall notify all current individual lot owners and all subsequent individual lot owners of the remaining undeveloped acreage and acreage with construction activity that they are responsible for complying with section 7.5 of this rule. The remaining individual lot owners do not need to submit an NOI letter or NOT letter. The notice must contain a verified statement that each of the conditions in subsection (b)(2) have been met. The notice must also inform the individual lot owners of the requirements to:

(1) install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and

(2) maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.

(d) The SWCD, DNR-DSC, other entity designated by the department or a regulated MS4 entity, or the department may inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the NOT letter requirements. If the inspecting entity finds that the project site owner has sufficiently filed an NOT letter, the entity shall forward